

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LEGISLATIVE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DUANE GRIMES**, on January 7, 2003 at  
3:00 P.M., in Room 350 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Duane Grimes, Chairman (R)  
Sen. Dale Mahlum, Vice Chairman (R)  
Sen. Sherm Anderson (R)  
Sen. Brent R. Cromley (D)  
Sen. Glenn Roush (D)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Bob Keenan (R)

**Members Absent:** None.

**Staff Present:** Lois Menzies, Legislative Services Division  
Cindy Peterson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 17, 1/6/2003;  
SB 80, 1/6/2003;  
SB 85, 1/6/2003

Executive Action: SB 17; SB 80; SB 85

**HEARING ON SB 17**

**Sponsor:** SEN. DANIEL MCGEE, SD 11, LAUREL

**Proponents:** None.

**Opponents:** None.

**Opening Statement by Sponsor:**

SEN. DANIEL MCGEE, SD 11, LAUREL, opened by stating the logic behind SB 17 came from last summer's special sessions. If this language would have been in place from the onset, there would have been no need for the second special session last year.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

Senator Grimes commented that the bill is self-explanatory, and had everything not been moving so fast, this disparity may not have occurred.

**Closing by Sponsor:**

SEN. DANIEL MCGEE closed on SB 17.

---

**HEARING ON SB 85**

**Sponsor:** SEN. VICKIE COCCHIARELLA, SD 32, MISSOULA.

**Proponents:** None.

**Opponents:** None.

**Opening Statement by Sponsor:**

SEN. COCCHIARELLA, SD 32, MISSOULA, opened by stating SB 85 is necessary because under reorganization of the interim committees every state government agency's bills were to have oversight by the appropriate interim committee. This will give an opportunity for interaction, oversight, and review of legislation that agencies were proposing prior to the start of the session. This effort was made to expedite the bill process and create deadlines for agencies, as well as give everyone an opportunity to see what legislation was coming down the pike. This would make people

aware of upcoming issues and give them an opportunity to hear from agencies regarding their plans for the next session. This bill allows for those entities, such as the Governor's Office, that currently have no oversight by any committee to have oversight by Legislative Council.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. DALE MAHLUM** questioned whether this bill would entail anymore bureaucracy.

**SEN. COCCHIARELLA** responded it would make bureaucracy better.

**Closing by Sponsor:** **SEN. COCCHIARELLA** closed SB 85.

#### **HEARING ON SB 80**

**Sponsor:** **SEN. RICK LAIBLE, SD 30, VICTOR.**

**Proponents:** None.

**Opponents:** None.

**Opening Statement by Sponsor:**

**SEN. RICK LAIBLE** opened by stating SB 80 is a clarifying bill. There has been confusion as to whether standing committees may meet during the interim. Senator Laible stated with regard to public comment and public access, there is an Economic Affairs Committee and an Education and Local Government Committee. These two interim committees meet during the interim and provide public access. Second, there would be no funding for standing committees to meet during the interim. SB 85 is basically a clarifying legislative bill.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. JOSEPH TROPILA** questioned whether there had ever been a time when a standing committee had met during the interim.

**SEN. LAIBLE** replied that there had been a time in the past when a sitting legislator, who happened to be running for a state office, was holding interim committee meetings throughout the state, obviously with good intent to provide information to the public, but, at the same time, at the expense of the state. It also provided public exposure for that individual. This has been unclear in the past, and SB 80 is a clarifying document.

**SEN. GRIMES** questioned whether those meetings could occur during a special session or in conjunction with a special session.

**SEN. LAIBLE** replied that was correct.

**SEN. GRIMES** asked Lois Menzies whether this would have applied to the most recent special session where there were complaints about hearings that occurred.

**LOIS MENZIES** responded that those special session activities would be permissible. Subsection (2), which says that "upon approval of the President and Speaker, a standing committee may meet before a special session," allows pre-session hearings. During a special session, a standing committee could meet for purposes of gathering information even on issues outside the call of the session.

**SEN. DUANE GRIMES** inquired how this is different from what is currently being done since it is not clear now whether they are authorized to meet.

**LOIS MENZIES** responded that right now the question arises as to whether a standing committee can meet during the interim. SB 80 will make it clear that they are not able to meet, and it addresses two issues: First, there is overlapping jurisdiction with interim committees, such as the Economic Affairs Committee and the Education and Local Government Committee. Second, there are no funds available to pay a legislator's salary and expenses related to that interim activity. Lois reiterated that this bill will not prohibit a standing committee from meeting in advance of a special session within the call or during the special session.

**SEN. GLENN ROUSCH** inquired what would happen in the event of a disaster or emergency. **SEN. ROUSCH** wondered whether SB 80 would preclude a committee from meeting unless a special session was called.

**LOIS MENZIES** replied that was correct; however, the State Administration and Veterans' Affairs Committee is the logical forum to handle this, and they would have initial jurisdiction under this scenario.

**SEN. LAIBLE** thanked the committee and closed on SB 80.

**EXECUTIVE ACTION ON SB 80**

**Motion:** **SEN. MAHLUM** moved that SB 80 DO PASS.

**Discussion:**

**SEN. GRIMES** warned that he did not want to unduly embarrass or use this in a facetious manner against any legislators who may or may not have acted inappropriately in the past because this procedure was not spelled out.

**Vote:** Motion **carried 6-0.**

**EXECUTIVE ACTION ON SB 85**

**SEN. GRIMES** informed the committee that this bill came from Legislative Council and the bill corrects for some loopholes and some issues that fall through the cracks.

**Motion/Vote:** **SEN. ROUSH** moved that SB 85 DO PASS. Motion **carried unanimously.**

**EXECUTIVE ACTION ON SB 17**

**Motion:** **SEN. TROPILA** moved that SB 17 DO PASS.

**Discussion:** **SEN. GRIMES** requested staff person Lois Menzies to remind the committee what happened during the special session.

**LOIS MENZIES** explained that there was a special session in August 2002 to handle the projected budget deficit for fiscal year 2003. The focus of that session was on HB 2. This bill, as introduced, had an effective date. During one of the phases of amending HB 2, the effective date was inadvertently stricken from the bill. This made the bill effective July 1, 2003, as opposed to the bill having an immediate effective date. Therefore, the bill would not have addressed the budget deficit in this fiscal year. Another special session was then called to correct the error. HB 2 had to be reintroduced in its entirety with an effective date contained in the bill.

**Vote:** Motion **carried 6-0.**

**ADJOURNMENT**

Adjournment: 3:26 P.M.

---

SEN. DUANE GRIMES, Chairman

---

CINDY PETERSON, Secretary

DG/CP

**EXHIBIT** (les02aad)